

<sup>7</sup> See Amendment of Parts 80 and 87 of the Commission's Rules to Permit Operation of Certain Domestic Ship and Aircraft Radio Stations Without Individual Licenses, *Report and Order*, WT Docket No. 96-82, 11 FCC Rcd 14849 (1996). Such vessels will be referred to herein as “exempt” vessels.

assigning MMSIs to those exempt vessels.<sup>8</sup> In 1999, the Commission amended the rules to delegate authority to the Bureau for the administration of the issuing of MMSIs.<sup>9</sup>

4. Consequently, the Division announced on January 17, 2001 that it had entered into agreements authorizing BoatUS and Maritel to distribute MMSIs to vessels that are no longer required to obtain an individual license.<sup>10</sup> The Division concluded that permitting private entities to assign MMSIs to exempt vessels would ease administrative burdens and processing delays for both the maritime community and the Commission.<sup>11</sup> It specifically provided, however, that licensed vessels would continue to receive MMSIs from the Commission through the licensing process.<sup>12</sup>

5. On March 6, 2001, Maritel filed an informal request to permit private entities to assign MMSIs to licensed vessels.<sup>13</sup> On May 22, 2001, Maritel filed a supplement asking that private entities be permitted to assign MMSIs to a limited number of licensed vessels on an interim basis pending consideration of Maritel's Initial Request.<sup>14</sup> On October 5, 2001, the Division denied the Initial Request and the Supplemental Request.<sup>15</sup> In making its decision, the Division concluded that Maritel's proposal would not reduce the administrative burden on the maritime community or the Commission.<sup>16</sup> In addition, the Division concluded that Maritel had not sufficiently addressed concerns that the proposal would result in the issuance of multiple MMSIs to the same vessel, and would likely increase the incidence of unauthorized operation.<sup>17</sup> With respect to the latter concern, the Division found unacceptable Maritel's proposal in its Initial Request to issue MMSIs to unlicensed vessels (*i.e.*, vessels requiring a license but not yet licensed) and notify the Commission of the MMSI within thirty days.<sup>18</sup> Finally, the Division found that the current method of assigning MMSIs to licensed vessels, which utilizes the FCC's Universal Licensing System (ULS), is sufficiently expeditious that licensed vessels do not need an alternative at this time, and thus disagreed with Maritel's argument that its proposal would significantly decrease the time it

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<sup>8</sup> 1997 MMSI Public Notice, 13 FCC Rcd at 9177-78.

<sup>9</sup> See Amendment of Part 0 of the Commission Rules to Delegate Authority to the Wireless Telecommunications Bureau Concerning Procedures for Assigning Domestic Maritime Mobile Service Identities, *Order*, 14 FCC Rcd 21517 (1997); *see also* 47 C.F.R. § 0.131(n).

<sup>10</sup> Commission Announces Revision Of Procedures For Assigning Maritime Mobile Service Identities, *Public Notice*, 16 FCC Rcd 918, 918-19 (WTB PSPWD 2001) (Revised MMSI Procedures). The Division subsequently announced that it had entered into an agreement with Sea Tow Service International, Inc. to distribute MMSIs to exempt vessels. *See* Commission Announces Agreement Among Sea Tow Service International, Inc., The United States Coast Guard and the FCC to Assign Maritime Mobile Service Identities, *Public Notice*, 16 FCC Rcd 18833 (WTB PSPWD 2001).

<sup>11</sup> Revised MMSI Procedures, 16 FCC Rcd at 918.

<sup>12</sup> *Id.* at 918 n.3.

<sup>13</sup> Maritel Informal Request for Commission Action to Permit Private Entities to Assign Maritime Mobile Service Identities to Compulsory Vessels (filed March 6, 2001) (Initial Request). We agree with Maritel that the Bureau has delegated authority to authorize private entities to assign MMSIs to licensed vessels. *See* Petition at 6-7.

<sup>14</sup> Maritel Supplement to Informal Request for Commission Action to Permit Private Entities to Assign Maritime Mobile Service Identities to Compulsory Vessels (filed May 22, 2001) (Supplemental Request).

<sup>15</sup> *See* In the Matter of Maritel, Inc. Informal Request for Commission Action to Permit Private Entities to Assign Maritime Mobile Service Identities to Compulsory Vessels, *Order*, 16 FCC Rcd 17704 (2001) (MMSI Order).

<sup>16</sup> *Id.* at 17705 ¶ 4.

<sup>17</sup> *Id.* at 17705 ¶ 5.

<sup>18</sup> *Id.* at 17705 ¶ 6 (citing Initial Request at 5).

takes for licensed vessels to obtain MMSIs.<sup>19</sup> On November 5, 2001, Maritel requested reconsideration of the Division's decision.

6. *Discussion.* Taking into account the additional information and circumstances articulated in Maritel's petition, we conclude that Maritel's petition is in the public interest and should be granted. As noted above, the Division concluded that adopting a system where vessels owners may obtain MMSIs from either the Commission or a private entity would not reduce administrative burdens on either the Commission, which would have to retain all of its current procedures,<sup>20</sup> or the marine community, which could readily obtain MMSIs via ULS.<sup>21</sup> We continue to believe that ULS offers a prompt and efficient method of obtaining MMSIs. However, we now agree with Maritel that it would be in the public interest to offer licensed vessels the additional convenience of being able to obtain MMSIs from private entities, such as the vessel's communications service provider, with which the owners must interact anyway.<sup>22</sup>

7. The Division also initially found that Maritel did not propose sufficient safeguards to prevent the issuance of multiple MMSIs to the same vessel,<sup>23</sup> or issuance of an MMSI to vessels that are required to be, but are not licensed.<sup>24</sup> In the instant petition, Maritel proposes that, upon request for an MMSI, it will query both granted and pending applications on ULS to determine if the vessel is licensed and if an MMSI has been issued to the vessel.<sup>25</sup> Maritel reiterates that it will not issue MMSIs to vessel operators that do not have a valid FCC ship station license but will advise the vessel owner on how to obtain authorization from the Commission.<sup>26</sup> In the case of an already-licensed vessel having an MMSI, Maritel will notify the customer of the FCC-assigned MMSI and use the FCC-assigned MMSI.<sup>27</sup> For those licensed vessel for which Maritel issues an MMSI, it proposes to notify the Commission on a real-time basis so the ULS database can be updated.<sup>28</sup>

8. We agree with Maritel that this approach alleviates the concern of the possibility of increased unauthorized operations and will also educate vessel owners about ship radio licensing requirements.<sup>29</sup> We also believe that the procedures and safeguards proposed by Maritel will establish appropriate means to avoid the problems of assigning duplicate MMSIs to authorized vessels. Maritel's proposed procedure to check the ULS database before assigning MMSIs would ensure that duplicate MMSIs are not issued and that vessels are properly authorized.

9. *Conclusion.* We grant Maritel's petition for reconsideration of the Division decision concerning Maritel's request for authority to assign MMSIs to licensed vessels. The revised procedures

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<sup>19</sup> *Id.* at 17706-07 at ¶ 7.

<sup>20</sup> *Id.* at 17705 at ¶ 4.

<sup>21</sup> *Id.* at 17707 at ¶ 7.

<sup>22</sup> *See* Petition at 2 n.2.

<sup>23</sup> Multiple MMSIs assigned to a single vessel could cause confusion during distress situations. MMSIs are programmed into marine radio equipment to provide a unique, internationally standardized number for contacting a vessel in cases of distress or safety, regardless of the radio system involved, and a common method for authorities to gain useful information concerning a distress incident. MMSI Order, 16 FCC Rcd at 17706 n. 18.

<sup>24</sup> MMSI Order 16 FCC Rcd 17706 at ¶ 5.

<sup>25</sup> Petition at 4.

<sup>26</sup> *Id.* Maritel made this proposal in its Supplemental Request, but not its Initial Request.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.* at 6.

<sup>29</sup> *Id.* at 4.

will reduce unnecessary administrative burdens and processing delays for both the maritime community and the Commission, and allow the Commission to expedite the issuing of domestic MMSIs. The Commission and the United States Coast Guard will coordinate with Maritel to revise its January 2001 agreement to reflect authority and procedures for Maritel to issue MMSIs to licensed vessels. Maritel will not be authorized to assign MMSIs to licensed vessels until the revised agreement is executed. Further, the Division will not execute such agreement until the United States Coast Guard concurs in writing with allowing Maritel to assign MMSIs to licensed vessels. We will announce the execution of the amended agreement by public notice, after which time licensed vessels will be able to obtain MMSIs from Maritel.<sup>30</sup>

10. Accordingly, IT IS ORDERED that pursuant to Sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and Section 1.106 of the Commission's Rules, 47 C.F.R. § 1.106, that the petition for reconsideration submitted by Maritel, Inc. on November 5, 2001, IS GRANTED to the extent indicated above.

11. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

D'wana R. Terry  
Chief, Public Safety and Private Wireless Division  
Wireless Telecommunications Bureau

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<sup>30</sup> The public notice also will instruct other interested parties how to request authorization to issue MMSIs to licensed vessels. *See* Revised MMSI Procedures, 16 FCC Rcd at 919.